

clause (iii), shall focus primarily on the merchant market for the domestic like product.”.

#### SEC. 302. PRICE.

Section 771(7)(C)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(ii)) is amended by adding at the end the following flush sentence:

“Imports of the subject merchandise may have a significant effect on prices irrespective of whether the magnitude of, or change in the volume of, imports of the subject merchandise is significant.”.

#### SEC. 303. VULNERABILITY OF INDUSTRY.

Section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended in the last sentence by striking the period at the end and inserting “, including whether the industry is vulnerable to the effects of imports of the subject merchandise.”.

#### SEC. 304. CAUSAL RELATIONSHIP BETWEEN IMPORTS AND INJURY.

Section 771(7)(E)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(E)(ii)) is amended by adding at the end the following: “The Commission need not determine the significance of imports of the subject merchandise relative to other economic factors.”.

#### SEC. 305. PREVENTION OF CIRCUMVENTION.

Section 781(c) of the Tariff Act of 1930 (19 U.S.C. 1677j(c)) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE.—The administering authority shall apply paragraph (1) with respect to altered merchandise excluded from, or not specifically included in, the merchandise description used in an outstanding order or finding, if such application is not inconsistent with the affirmative determination of the Commission on which the order or finding is based.”.

#### SEC. 306. FULL RECOGNITION OF SUBSIDY CONFERRED THROUGH PROVISION OF GOODS AND SERVICES AND PURCHASE OF GOODS.

Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following: “If transactions in the country which is the subject of the investigation or review do not reflect market conditions due to government action associated with provision of the good or service or purchase of the goods, determination of the adequacy of remuneration shall be through comparison with the most comparable market price elsewhere in the world.”.

#### SEC. 307. PROHIBITION ON MASKING REIMBURSEMENT OF DUTIES.

Section 772(d) of the Tariff Act of 1930 (19 U.S.C. 1677a(d)) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following new paragraphs:

“(4) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the dumping margin calculated under section 771(35)(A), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any antidumping duties paid; and

“(5) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the net countervailable subsidy calculated under section 771(6), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any countervailing duties paid.”.

#### SEC. 308. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

Section 772(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)(A)) is amended by inserting “(including countervailing duties imposed under this title)” after “duties”.

#### SEC. 309. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this title shall apply with respect to goods from Canada and Mexico.

#### SEC. 310. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to determinations made under title VII of the Tariff Act of 1930 that—

(1) are made with respect to investigations initiated or petitions filed after the date of enactment of this Act; or

(2) have not become final as of such date of enactment.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 1790. Mr. SCHUMER (for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1792. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the bill S. 1680, to reauthorize the Defense Production Act of 1950, and for other purposes.

SA 1793. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

### TEXT OF AMENDMENTS

SA 1790. Mr. SCHUMER (for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and stature to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_\_, between lines \_\_\_ and \_\_\_, insert the following:

SEC. . (a) The Secretary of Defense shall expand the United States Central Command Rest and Recuperation Leave program to provide a member of the Armed Forces participating in the program with travel and transportation allowances for travel at the expense of the United States between the original airport of debarkation for the member and the member's permanent station or home if the member elects to travel to such destination.

(b) The travel and transportation allowances that may be provided under subsection (a) are the travel and transportation allowances specified in section 404(d) of title 37, United States Code, except that no per diem allowance may be paid to a member for a period that the member is at the member's permanent station or home.

(c) Travel and transportation allowances provided for travel under subsection (a) are in addition to any other travel and transportation or other allowances that may be provided for such travel by law.

(d) This section shall apply with respect to travel under the United States Central Command Rest and Recuperation Leave program that is commenced before, on, or after the date of the enactment of this Act.

(e) In this section:

(1) The term “United States Central Command Rest and Recuperation Leave program” means the Rest and Recuperation Leave program for certain members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom as established by the United States Central Command on September 25, 2003.

(2) The term “original airport of debarkation” means an airport designated as an airport of debarkation for members of the Armed Forces under the Central Command Rest and Recuperation Leave program as of the establishment of such program on September 25, 2003.

(f) Of the amount appropriated under title \_\_\_ for the Iraqi witness protection program, \$60,000,000 is hereby transferred to the